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TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

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HOLLOWAY III, EDWIN C	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 13

Application Number: 09/765,823
Filing Date: January 19, 2001
Appellant(s): MISHRA ET AL.

John A. Odozynski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 20, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement specifying that there are no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims that appellant has grouped together claims as follows:

Group A: Claims 1-3, 6-9, 11-20, 31-45 and 47-73

Group B: Claims 4, 5, 10 and 46.

Appellant's reason for the grouping appears to be that Group A is rejected under 35 USC 103 as unpatentable over Hertel in

combination with Johnson, while Group B is rejected under 35 USC 103 as unpatentable over Hertel and Johnson in combination with Mansell. Although the rejection of group B includes an additional reference, appellant's arguments regarding group B rely entirely on the arguments directed to group A.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,532,690	Hertel	07-1996
5,557,254	Johnson et al. (Johnson)	09-1996
5,223,844	Mansell et al. (Mansell)	06-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-3, 6-9, 11-20, 31-45, and 47-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel (US 5532690) ~~as applied above~~ in combination with Johnson (US 5557254).

Regarding claim 1, Hertel discloses an apparatus comprising: a functional unit (40); a location determination device (14); a local policy enforcement device (30, 16) coupled to the location determination device and the functional unit; and a communication interface coupled (36) to the local policy enforcement device. See fig. 1 and col. 3 line 30 - col. 4 line 50. Hertel includes a transmitter 36 to send information related to "failure-to-match" such location (surface coordinates) to a external storage in col. 4 lines 41-49 or a central agency in col. 5 lines 52-67.

Johnson discloses these further features of claim 1 by including GPS triggered alarm in col. 18 lines 16-17 and responding to an alarm to require authentication in col. 13 line 50 - col. 14 line 14 and fig. 7. Lack of authentication results in sending commands such as enabling/disabling the vehicle in col. 5 lines 22-66. Enabling and disabling are provided because the ignition module and fuel line control valve may be turned both on and off in col. 5 line 55 - col. 6 line 2. Also, the disarm of the security system by the central monitoring station in response to proper authentication in col. 14 lines 3-7 corresponds to enable signal or at least suggests this since the vehicle would not then be disabled as provided when not authorized in col. 14 lines 8-14. Further the transmitted

information includes location information in col. 12 lines 51-55and the remote policy includes location in col. 11 lines 55-65.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hertel these further features of claim 1 because Johnson discloses the features as noted above because this prevents theft and carjacking and is suggested by the authorization to override (enable) the system in col. 5 lines 52-56 of Hertel transmitting to a central agency in col. 4 lines 41-50 and col. 5 lines 52-67 of Hertel.

Regarding claim 2, the apparatus of Hertel applied above to claim 1 includes the location determination device 14 comprising a position detection device 14 in the form of GPS receiver 14 in col. 3 lines 33-40

Regarding claim 3, the apparatus of Hertel applied above to claim 2 includes the position determination device 14 comprising a global positioning system receiver in the form of GPS receiver 14 in col. 3 lines 33-40.

Regarding claim 6, the apparatus of Hertel applied above to claim 1 further comprises a user authenticator coupled to the local policy enforcement device. See col. 5 lines 55-60 and col. 4 line 10.

Regarding claim 7, the apparatus of Hertel applied above to claim 6 includes the user authenticator comprising a password device in col. 5 lines 55-60.

Regarding claim 8, Hertel includes authenticator comprising password input rather than a biometric input device. Johnson discloses biometric input such as voice or camera as alternative to entering a code on a keypad. See col. 6 lines 14-38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hertel the biometric input device of claim 8 as disclosed in Johnson to be a an alternative to password input.

Regarding claim 9, the apparatus of Hertel applied above to claim 6 includes the location determination device comprising a global positioning system receiver discussed above in re claim 3.

Regarding claim 11, the apparatus of Hertel applied above to claim 1 includes1 the local policy enforcement device comprising means for determining whether the apparatus is within a distance from a location such as a radius in col. 4 line 66 - col. 5 line 1.

Regarding claim 12, the apparatus of Hertel applied above to claim 11 includes the distance is a predetermined distance such as 10 meters in col. 4 lines 66-67.

Regarding claim 13, the apparatus of claim Hertel applied above to 11 includes the location is a predetermined location such as permitted surface coordinates stored in database in col. 4 lines 19-23.

Regarding claim 14, the apparatus of Hertel applied above to claim 11 includes the location is a previously-determined location of the apparatus such as the stored coordinates or radius discussed above.

Regarding claim 15, the apparatus of Hertel applied above to claim 14 includes the distance is a predetermined distance as applied above to claim 12.

Regarding claim 16, the apparatus of Hertel applied above to claim 1 includes the local policy enforcement device comprising means for dynamically adapting a local policy in response to previous location determinations and previous applications of the local policy in the learning mode of col. 3 lines 63-65.

Regarding claim 17, the apparatus of claim Hertel applied above to 1 includes the local policy enforcement device comprising means for determining, in response to a determination by the location determination device that the apparatus has been moved to a new location, whether the new location complies with a local policy comparison of current coordinates to permitted

coordinates in col. 4 lines 19-23.

Regarding claim 18, the apparatus of claim Hertel applied above to 17 includes the local policy is whether the new location is a pre-approved location such as permitted surface coordinates stored in database as noted above.

Regarding claim 19, the apparatus of Hertel applied above to claim 17 includes the local policy is whether the new location is within a distance from a prior location of the apparatus such as the radius discussed above.

Regarding claim 20, the apparatus of Hertel applied above to claim 19 includes the distance is a predetermined distance as applied above to claim 12.

Regarding claim 31, Hertel discloses a method of operating an apparatus, the method comprising: (A) performing authentication of an attempted user of the apparatus; (B) if the user is determined to be not authorized to use the apparatus, (B.1) disabling the apparatus; and (C) if the user is determined to be authorized to use the apparatus, (C.1) determining a location of the apparatus, (C.2) checking whether the location complies with a local policy administered by the apparatus, (C.3) if the location complies with the local policy, (C.3.a) enabling the apparatus, and (C.4) if the location does not comply with the local policy, (C.4.a) inquiring of an

external agent whether the location complies with a remote policy administered by the external agent, (C.4.b) if the location complies with the remote policy, (C.4.b.1) enabling the apparatus, and (C.4.c) if the location does not comply with the remote policy, (C.4.c.1) disabling the apparatus, except for the inquiring from an external agent. The differences would have been obvious in view of Johnson for the same reasons applied above to claims 22-26 and further in view of col. 11 lines 59-65 of Johnson including remote position information policy at in database 607 of the central monitoring station. Hertel discloses disabling the system in response to password authorization in col. 5 lines 55-56, and if this does not clearly dis/enable the apparatus, then such would have been obvious in view of Johnson disclosing authorization to prevent carjacking or theft as discussed above.

Regarding claim 32, the method of claim 31 further comprising: (B.2) the remote agent providing an electronic notification to a law enforcement device; and

(C.4.c.2) the remote agent providing an electronic notification to the law enforcement device; wherein the notifications to the law enforcement device include providing data identifying the location of the apparatus would have been obvious in view of fig. 7 step 725 and col. 14 lines 8-14 of

Johnson calling law enforcement officials to inform them about the crime in progress and the location of the vehicle to prevent carjacking and is suggested by transmitting location to police in col. 5 lines 65-67 of Hertel.

Regarding claim 33, the method of claim 32 wherein the notifications to the law enforcement device further include providing data gathered during the authentication of the user would have been obvious in view of informing law enforcement about the crime in progress in fig. 7 step 725 and col. 14 lines 8-14 of Johnson to prevent carjacking.

Regarding claim 34, the method of claim 33 wherein the data comprises biometric input data would have been obvious for the same reason applied above to claim 8.

Regarding claim 35, the method of claim 31 further comprising: (C.4.b.2) the remote agent registering the location of the apparatus would have been obvious in view of the positioning in col. col. 12 lines 51-54 of Johnson to track the vehicle.

Regarding claim 36, the method of claim 31 wherein the local policy comprises determining whether the location is in compliance with a policy selected from the group comprising: the location of the apparatus is within a predetermined area; the location of the apparatus is less than a predetermined distance

from a prior location; and the location of the apparatus is a pre-approved location is disclosed by Hertel for the reasons applied above to claims 27-29.

Regarding claim 37, the method of claim 31 wherein the local policy comprises determining whether the location is in compliance with a distance-based policy is disclosed by Hertel for the reasons applied above to claim 11.

Regarding claim 38. the method of claim 31 wherein the local policy comprises determining whether the location is in compliance with an area-based policy is disclosed by Hertel for the reasons applied above to claim 27.

Regarding claim 39, the method of claim 31 wherein the remote policy comprises determining whether the location is in compliance with a policy selected from the group comprising: the location of the apparatus is within a predetermined area; the location of the apparatus is less than a predetermined distance from a prior location; the location has been pre-approved by a registered owner of the apparatus; the location is an authorized repair facility for the apparatus; all locations have been pre-approved until a first registration at a first location; total motion of the apparatus since a predetermined time is less than a predetermined cumulative distance; the apparatus has been moved fewer times than a predetermined number; and the

apparatus is within a non-export-controlled country would have been obvious in view of the policy of Hertel as applied above and the policy of Johnson including, for example, special instructions regarding leaving airport parting lot in col. 11 lines 59-65.

Regarding claim 40, the method of claim 31 further comprising at least one of: dynamically adjusting the local policy; and dynamically adjusting the remote policy is disclosed by Hertel for the same reasons applied to claim 16.

Regarding claim 41, Hertel discloses a system comprising: a communication link 36 an appliance including, a functional unit 40; means for dis/enabling the functional unit 34; a location determination device14; a local policy enforcement device (16,30) coupled to the communication link, to the means for dis/enabling, and to the location determination device; and a remote agent device (central monitoring station in col. 5 line 66), including, a registry adapted to store information regarding the apparatus; but lacks remote policy enforcement device coupled to the communication link and to the registry. The differences would have been obvious in view of Johnson for the same reasons applied above to claim 31.

Regarding claim 42, the system of claim 41 wherein the information includes location information would have been

obvious for the reasons applied above to claim 35.

Regarding claim 43, the system of claim 42 wherein the appliance further includes a user authentication device coupled to the local policy enforcement device would have been obvious to the reasons applied above to claims 6 and 31.

Regarding claim 44, the system of claim 43 wherein the information further includes user identification information would have been obvious in view of the identifying information in col. 11 lines 38-65 of Johnson for preventing carjacking.

Regarding claim 45, the system of claim 41 wherein the location determination device comprises a global positioning system receiver would have been obvious for the same reasons applied above to claim 9. Also, Johnson includes a GPS receiver 419/219.

Regarding claim 47, the system of claim 41 wherein the local policy enforcement device comprises means for determining whether the appliance is in a location, determined by the location determination device, which location complies with a policy selected from the group comprising: the location of the appliance is within a predetermined area; the location of the appliance is less than a predetermined distance from a prior location; and the location of the appliance is a pre-approved location would have been obvious for the reasons applied above

to claims 27-29.

Regarding claim 48, the system of claim 47 wherein the remote policy enforcement device comprises means for determining whether the location complies with a policy selected from the group comprising: the location of the appliance is within a predetermined area; the location of the appliance is less than a predetermined distance from a prior location; the location has been pre-approved by a registered owner of the appliance; the location is an authorized repair facility for the appliance; all locations have been pre-approved until a first registration at a first location; total motion of the appliance since a predetermined time is less than a predetermined cumulative distance; the appliance has been moved fewer times than a predetermined number; and the appliance is within a permitted country would have been obvious for the reasons applied above to claim 39.

Regarding claim 49, the system of claim 41 further comprising: means for dynamically adjusting a local policy of the local policy enforcement device would have been obvious for the reasons applied above to claim 40.

Regarding claim 50, the system of claim 41 further comprising: means for dynamically adjusting a remote policy of the remote policy enforcement device would have been obvious

because the special instructions in col. 11 lines 59-65 of Johnson implies owner or user input which is dynamic. Further, it would have been obvious to have input this in a leaning mode as a convenient manner of data entry disclosed in col. 3 lines 59-67 Hertel as an alternative to keyboard entry.

Regarding claim 51, a method comprising: an apparatus determining its location ; the apparatus determining whether the location complies with a local policy; the location complies with the local policy, enabling the apparatus; if the location does not comply with the local policy, a remote device determining whether the location complies with a remote policy; if the location complies with the remote policy, enabling the apparatus, if the location does not comply with the remote policy, disabling the apparatus would have been obvious for the same reasons applied above to claim 31.

Regarding claim 52, the method of claim 51 further comprising, if the location does not comply with the remote policy: performing authentication of a user of the apparatus; and if the user is authenticated, enabling the apparatus would have been obvious for the reasons applied above to claims 22 and 31. Violation of the special instruction "should not leave airport parking lot" suggests a alarm condition that requires authorization.

Regarding claim 53, the method of claim 52 further comprising, if the location complies with the remote policy: the remote device registering information provided from the apparatus to the remote device would have been obvious for the reasons applied above to claim 35.

Regarding claim 54, the method of claim 53 wherein the information comprises information identifying the location. would have been obvious for the reasons applied above to claim 35.

Regarding claim 55, the method of claim 52 further comprising, if the user is not authenticated: the remote device sending a notification to a law enforcement device would have been obvious for the reasons applied above to claim 32.

Regarding claim 56. the method of claim 55 wherein the notification comprises an identification of the location of the apparatus would have been obvious for the reasons applied above to claim 32.

Regarding claim 57, the method of claim 56 wherein the notification further comprises information gathered during the authentication of the user would have been obvious for the reasons applied above to claim 33..

Regarding claim 58, the method of claim 57 wherein the information comprises biometric input data would have been

obvious for the reasons applied above to claim 34.

Regarding claim 59, the method of claim 51 further comprising: the apparatus dynamically adjusting the local policy would have been obvious for the reasons applied above to claim 49

Regarding claim 60, the method of claim 59 further comprising: the remote device dynamically adjusting the remote policy would have been obvious for the reasons applied above to claim 50.

Regarding claim 61, Hertel discloses an apparatus which includes a functional unit 40, an improvement comprising: means for disabling the functional unit 34; means for identifying a location of the apparatus 14; means for checking the location against a local policy (16,30), and for causing the means for disabling to enable the functional unit if the location complies with the local policy and for causing the means for disabling to disable the functional unit if the location does not comply with the local policy. See figs. 1-2 and col. 4. Hertel lacks enable signal from a remote agent, but this would have been obvious in view of Johnson for the reasons applied above to claim 1.

Regarding claim 62, in the apparatus of claim 61, the improvement further comprising: means for authenticating a user of the apparatus; and the means for checking further for

causing the means for disabling to enable the functional unit if the user is authentic, and for causing the means for disabling to disable the functional unit if the user is not authentic would have been obvious for the reasons applied above to claim 22.

Regarding claim 63, in the apparatus of claim 61 for use with a remote agent which checks the location against a remote policy, the improvement further comprising: means for communicating with the remote agent; and the means for checking further for causing the means for disabling to enable the functional unit if the remote agent indicates that the location complies with the remote policy, and for causing the means for disabling to disable the functional unit if the remote agent indicates that the location does not comply with the remote policy would have been obvious for the reasons applied above to claim 51.

Regarding claim 64, in the apparatus of claim 63, the improvement further comprising: means for authenticating a user of the apparatus; and the means for checking further for causing the means for disabling to enable the functional unit if the user is authentic, and for causing the means for disabling to disable the functional unit if the user is not authentic would have been obvious for the reasons applied above to claim

62.

Regarding claim 65, Hertel discloses a method of operating an apparatus, the method comprising: determining a location of the apparatus (step 42); checking whether the location complies with a local policy determined by the apparatus (step 48); if the location complies with the local policy, enabling operation of the apparatus; and if the location does not comply with the local policy, disabling operation of the apparatus (step 54). See fig. 2 and col. 5. Hertel lacks enable/disable signal from a remote agent, but this would have been obvious in view of Johnson for the reasons applied above to claim 1.

The further features of claims 66-73 would have been obvious for the same reasons applied to claims above.

3. Claim 4-5, 10 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel (US 5532690) and Johnson (US 5557254) as applied above in combination with Mansell (US 5223844).

Hertel discloses the apparatus with position determining device of claim 2 and 6, but lacks the position determination device comprising an accelerometer of claim 4, 10 and 46. Hertel lacks the location detection device comprising a motion detection device of claim 5.

Mansell discloses an analogous art vehicle tracking and security system with position determining that comprises an accelerometer 393 in col. 0 line 54 - col. 10 line 18 with advantages such as economical, miniaturized, greater overall location and direction information. A motion sensor 372 in included in col. 11 lines 15-22 to detect possible theft.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hertel the position determination device comprising an accelerometer of claims 4 and 10 as disclosed in Mansell for the advantages stated above. It further would have been obvious to have included the location detection device comprising a motion detection device as disclosed in Mansell to detect possible theft.

(11) Response to Argument

4. Applicant's arguments filed 1-20-04 have been fully considered but they are not persuasive.

Regarding Claims 1-3, 6-9, 11-20, 31-45 and 47-73 (Group A), Appellant argues that the rejection is deficient because the applied prior art lacks a technique in which information that is noncompliant with a local policy is determined by a central policy to be compliant with a remote policy. The examiner disagrees because Johnson discloses alarm conditions in

which a central monitoring station is contacted and sent information regarding the alarm condition. The alarm conditions such as movement in col. 17 lines 9-18 and outside specified range in col. 18 lines 16-17 and col. 25 line 40 - col. 26 line 46 represent a violation of local policy that causes a report to the central monitoring station. The information reported to the central monitoring station may include location information and user identity information in col. 13 line 50 - col. 14 line 14. This information is related to the violation of the local policy. If the central monitoring station verifies the that the occupant (person located in the vehicle) is authorized, then the central monitoring station sends command signals to change the vehicle to the unarmed state to allow operation in col. 14 lines 3-16. This verification is considered a remote policy.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hertel these further features (remote policy) of claim 1 because Johnson discloses the features as noted above because this prevents theft and carjacking and is suggested by the authorization to override (enable) the system in col. 5 lines 52-56 of Hertel transmitting to a central agency in col. 4 lines 41-50 and col. 5 lines 52-67 of Hertel.

Note that col. 6 lines 15-27 of Hertel teaches that

different authorized users may be cleared for entirely different areas. This suggests that location information must be taken into consideration when authenticating.

Appellant argues that "authentication" in Johnson is in marked deviation from what Appellant has disclosed and claimed. Appellant argues that Johnson discloses a technique where information of one type (authentication) is used to override the effect of information of a second type (alarm) that contrasts with Appellants disclosure and claims of a technique where the same information (location) is evaluated for compliance, first with a local policy and subsequently with a remote policy. The examiner disagrees because claim 1 only states that the apparatus transmits "information related to a failure to meet a local policy" to the central agency and receives an enablement signal from the central agency "if the information complies with the remote policy." Claim 1 does not require the information to be location, only that it relates to the failure to meet the local policy. This information may include identity of the appliance or owner as stated in page 5 line 16 of Appellant's disclosure and page 6 line 1 of Appellant's Brief. Such information would correspond to the authentication information in Johnson. Claim 1 does not require that the remote policy is based on location. A variety of remote policies may be utilized

in Appellant's invention. Page 5 lines 19-30 of Appellant's specification and page 6 lines 4-15 of Appellant's Brief lists examples of motion, but specifies location "or other submitted data" to meet remote policy corresponding to page 6 line 17-20 of Appellant's disclosure and page 7 lines 10-13 of Appellant's Brief describing authentication checked at the central agency. This authentication check at the central agency represents a remote policy corresponding the authentication check at the central monitoring station in Johnson.

Further, the alarm report of Johnson does include location information as stated above. Location and identification information is stored at the central monitoring station in col. 11 lines 39-65 of Johnson. This storage may include "special instructions" such as "owner on vacation, vehicle should not leave airport parking lot for next two weeks" in col. 11 lines 59-65. Such special instructions correspond to a remote policy based on location. Not leaving a parking lot suggest a range corresponding to the range col. 18 lines 16-17 and col. 25 line 40 - col. 26 line 46, but provided by the central monitoring station. In this case, both local and remote policy may be directed to range, or the local policy may be simply the movement described in col. 17 lines 9-18. Remote policy based on location is further suggested by Johnson disclosing in col.

12 line 21 - col. 13 line 13 that the central monitoring station responds to alarm conditions by displaying location information and allows reply with commands to control the vehicle. Such a reply would take into consideration the location information as suggested by the "special instructions" regarding location and/or status such as "vehicle left in designated area" in col. 11 lines 57-65 corresponding to a remote policy based on location.

Note that col. 6 lines 15-27 of Hertel teaches that different authorized users may be cleared for entirely different areas. This suggests that location information must be taken into consideration when authenticating.

Regarding Claims 4, 5, 10 and 46 (Group B), Appellant argues that the rejection is deficient for the same reason argued above with respect to group A. The examiner disagrees for the same reasons the examiner applied above to group A.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Edwin C. Holloway, III
Primary Examiner
Art Unit 2635

EH
April 4, 2004

Conferees

Conferee

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Conferee

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024